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EXAMINER
SALL, EL HADJI MALICK

ART UNIT	PAPER NUMBER
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)	
		10/086,099	BARROW	
Office Action Summary		Examiner	Art Unit	
		El Hadji M. Sall	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>12 January 2007</u>.

2a) ☒ This action is FINAL.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-12</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-12</u> is/are rejected.

7) ☒ Claim(s) <u>1</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the amendment filed on April 24, 2007. Claims 1 and

2 are amended. Claims 1-12 are pending. Claims 1-12 represent Dynamically

updateable parameters in integrated services hub.

2.   *Claim Objections*

Claim 1 is objected to because of the following informalities: "can by" on line 9. It

appears that applicants meant "can be" instead of "can by". Examiner will construe it as

"can be". Appropriate correction is required.

3.   *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a

foreign country or in public use or on sale in this country, more than one year

prior to the date of application for patent in the United States.

4.   Claims 9, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated

Lenz U.S. 6,029,196.

Lenz teaches the invention as claimed including automatic client configuration

system (abstract).

As to claim 9, Lenz teaches a customer premises telecommunications hub,

comprising:

A wide area network connection for receiving Internet protocol messages (figure

4),

A memory storing a configuration file (figure 11, item 1102),

A microprocessor having a plurality of functional program modules operating with

parameters contained in the configuration file, each function module storing

configuration file parameters which affect its operations and having a check function

and an update function (figure 4), and

A configuration update module adapted to receive a new configuration file over

the wide area network connection while the microprocessor is in a running state, to

store the new configuration file in memory, and to call the check function and the

update function in each functional module (figure 12).

As to claim 10, Lenz teaches a system for dynamically updating configuration file

parameters in a customer premises telecommunications hub comprising:

A remotely located configuration server accessible over a wide area network

connection (figure 1, item 103),

Means for receiving a new configuration file from said configuration file server

over a wide area network connection while the customer premises telecommunications

hub is in running state (column 5, lines 34-36),

Means for comparing parameters controlling operation of the customer premises

telecommunications hub to parameters contained in the new configuration file and

identifying parameters which are different (column 5, lines 38-41; column3, lines 45-

47),

Means for identifying parameters which can be changed dynamically (column 6,

lines 28-29),

Means for, if all parameters, which are different, can be changed dynamically,

dynamically updating parameters to those contained in the new configuration file

(column 5, lines 41-44).

As to claim 12, Lenz teaches the system of claim 10 further comprising:

Means for dynamically updating parameters to those contained in the new

configuration file only when the customer premises telecommunications hub is in idle

state (column 4, lines 40-42).

5.   *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed

or described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made

to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was

made.

6.   Claims 1, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lenz U.S. 6,029,196 in view of Fletcher et al. U.S. 6,009,274.

Lenz teaches the invention substantially as claimed including automatic client

configuration system (abstract).

As to claim 1, Lenz teaches a method for updating configuration parameters in customer premises telecommunications hub comprising:

Receiving in a customer premises telecommunications hub a new configuration file sent from a remote location (column 5, lines 34-36);

Identifying parameters in the new configuration file which are different than existing parameters stored in said customer premises telecommunications hub (column 6, lines 28-29);

Checking the parameters which are different to determine whether they can be changed dynamically (column 5, lines 38-41; column3, lines 45-47); and

If all parameters, which are different, can be dynamically changed, updating all parameters to those contained in the new configuration file (column 5, lines 41-44).

Lenz fails to teach explicitly updating all parameters to those contained in the new configuration file without rebooting.

However, Fletcher method and apparatus for automatically updating software components on end systems over a network. Fletcher teaches updating all parameters to those contained in the new configuration file without rebooting (column 15, lines 19-23).

It would have been obvious to one of ordinary skill in the art at the invention was made to combine Lenz in view of Fletcher to provide updating all parameters to those contained in the new configuration file without rebooting. One would be motivated to do so to allow ending and restating a key application in a shorter time.

As to claim 6, Lenz teaches a method according to claim 1, wherein:

Said step of updating parameters is performed when said customer premises telecommunications hub is in an idle state (column 4, lines 40-42).

As to claim 7, Lenz teaches a method according to claim 1, wherein:

Said new configuration file is received over a wide area network connection in an Internet protocol (figure 4).

7.   Claims 2-5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenz U.S. 6,029,196 in view Fletcher et al. U.S. 6,009,274, and further in view of Sandahl et al. U.S. 6,098,098.

Lenz teaches the invention substantially as claimed including automatic client configuration system (abstract).

As to claim 2, Lenz teaches a method according to claim 1.

Lenz fails to teach explicitly updating all parameters to those contained in the new configuration file by rebooting the system.

However, Sandahl teaches system for managing the configuration of multiple computer devices. Sandahl teaches updating all parameters to those contained in the new configuration file by rebooting the system (column 7, lines 55-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lenz in view of Sandahl to provide if any of the parameters which are different cannot by dynamically changed, rebooting the system. One would be motivated to do so to allow saving new updates.

As to claim 3, Lenz teaches a method according to claim 1, wherein:

Said hub comprises a configuration update module and plurality of other functional modules, which use parameters contained in the configuration file (figure 11),

Said other functional modules register check and update function calls with said update module (column 2, lines 12-16),

Each functional module compares configuration file parameters in the new configuration file to its existing parameters (column 5, lines 38-41; column3, lines 45-47),

Lenz fails to teach explicitly said update module writes the new configuration file into flash memory and issues a check function call to each of the other functional modules, and notifies the update module whether the parameters which are different can be changed dynamically.

However, Sandahl teaches said update module writes the new configuration file into flash memory and issues a check function call to each of the other functional modules (column 6, lines 24-29), and notifies the update module whether the parameters which are different can be changed (column 7, lines 62-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lenz in view of Sandahl to provide said update module writes the new configuration file into flash memory and issues a check function call to each of the other functional modules, and notifies the update module whether the parameters which are different can be changed dynamically. One would be motivated to do so to allow periodic and proper updates.

As to claim 4, Lenz teaches a method according to claim 3, wherein:

If the parameters, which are different, can be changed dynamically, said update module issues an update function call to each of the other functional modules (figure 11).

As to claim 5, Lenz teaches a method according to claim 3.

Lenz fails to teach explicitly rebooting the system.

However, Sandahl teaches rebooting the system (column 7, lines 55-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Lenz in view of Sandahl to provide if the parameters

which are different cannot all be changed dynamically, said update module reboots the

system. One would be motivated to do so to allow saving new updates.

As to claim 11, Lenz teaches the system of claim 10.

Lenz fails to teach explicitly rebooting the system.

However, Sandahl teaches rebooting the system (column 7, lines 55-61).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Lenz in view of Sandahl to provide means for, if any

parameter which is different cannot be changed dynamically, Causing the customer

premises telecommunications hub to reboot. One would be motivated to do so to allow

saving new updates.

8.   Claim 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenz

U.S. 6,029,196 in view Fletcher et al. U.S. 6,009,274, in view of Kaplan et al. U.S.

6,141,339.

Lenz teaches the invention substantially as claimed including automatic client

configuration system (abstract).

As to claim 8, Lenz teaches a method according to claim 1, wherein:

Said new configuration file is received over an ISDN connection to a server in a

central office (column 17, lines 25-31, Bhatia discloses Call control section 460

interacts with a local ISDN switch at a telephone central office to establish and

terminate ISDN calls in order to appropriately route traffic between the LAN, via the

switch and PSTN, and a remote network).

Lenz fails to teach explicitly Said new configuration file is received over a DSL

connection to a server in a central office.

However, Kaplan teaches a DSL connection (column 2, lines 7-9).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Lenz in view of Kaplan to provide Said new configuration file is

received over a DSL connection to a server in a central office. One would be motivated

to do so to allow faster service and "always on".

9.   *Response to Arguments*

Applicant's arguments filed 04/24/07 have been fully considered but they are not

persuasive.

(A)   Applicants argue that Lenz does not teach or suggest a customer

premises telecommunications hub.

In regards to point (A), examiner respectfully disagrees.

Column 1, lines 56-61, Lenz discloses the automatic client configuration system provides the system administrator with the ability to configure every client in a network with one file. The file resides on the server and contains information for setting the client's lock files, e.g. preferences, configuration information, and software versions (i.e. some of the clients have access to the server via an access means, an access server, a client or "a telecommunications hub" (i.e. computer or client computer), which allow clients access). Therefore, the presence of "communications hub" is inherent in Lenz's.

(B)   Applicants argue that Lenz does not teach or suggest any step of identifying parameters in a new file that are different from existing parameters stored in a customer premises telecommunications hub.

In regards to point (B), examiner respectfully disagrees.

Column 6, lines 28-35, Lenz discloses identifying the configuration file on said server associated with said client; sending said configuration file from said server to said client; configuring various aspects of said client using said configuration file; allowing users to store their own configuration and preference information on said server from their client. Such Lenz's updates the old files with the new files, and inherently "identifying parameters in a new file that are different from existing parameters stored in the customer premises telecommunications hub".

(C)   Applicants argue that Lenz does not teach or suggest making any determination of whether parameters may be changed dynamically.

In regards to point (C), examiner respectfully disagrees.

Column 4, lines 28-42, Lenz discloses …providing a mechanism by which an administrator can automatically push out and update the software that he want (i.e. "determination of whether parameters may be changed dynamically"),

(D)   Applicants argue that Claims 1, 9 and 10 are clearly patentable over Lenz. Since claims 2-8 depend on 1 and claims 11 and 12 depend on 10, Applicants submit that claims 2-8, 11 and 12 are also patentable over Lenz.

In regards to point (D), examiner respectfully disagrees.

Examiner's response to arguments in the above points clearly show that claims 1, 9 and 10 are not patentable over Lenz, and therefore claims dependent claims 2-8, 11 and 12 are also not patentable.

10.   *Conclusion*

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall
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